

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLARK LEE STUHR,

Petitioner,

v.

PAT GLEBE,

Respondent.

CASE NO. 3:16-CV-05833-BHS-DWC

ORDER FOR SERVICE AND
ANSWER, § 2254 PETITION

Petitioner Clark Lee Stuhr filed a Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C. § 2254. Dkt. 9. Petitioner alleges he was denied due process when he was deprived of the ability to earn future good time credits. *Id.* As a petitioner is not entitled to habeas relief for the loss of the ability to earn good time credits, the Court ordered Petitioner to show cause why the Petition should not be dismissed. Dkt. 4. Petitioner filed a Response to the Order to Show Cause stating good time credits were awarded and then revoked pursuant to a Department of Corrections policy. Dkt. 7, pp. 9-10; *see Nettles v. Grounds*, 830 F.3d 922, 928 (9th Cir. 2016) (“claims for restoration of good-time credits were in the core of habeas”). As Petitioner alleges his good time credits were earned and then revoked, the Court hereby finds and ORDERS as follows:

ORDER FOR SERVICE AND ANSWER,
§ 2254 PETITION - 1

1 (1) The Clerk shall arrange for service by e-mail upon respondent and upon the
2 Attorney General of the State of Washington, of copies of the petition, of all documents in
3 support thereof, and of this Order. The Clerk shall also direct a copy of this Order and of the
4 Court's *pro se* instruction sheet to petitioner.

5 (2) Within ***forty-five (45) days*** after such service, respondent(s) shall file and serve an
6 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States
7 District Courts. As part of such answer, respondent(s) shall state whether petitioner has
8 exhausted available state remedies and whether an evidentiary hearing is necessary.
9 Respondent(s) shall not file a dispositive motion in place of an answer without first showing
10 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of
11 the Court and serve a copy of the answer on petitioner.

12 (3) The answer will be treated in accordance with LCR 7. Accordingly, on the face
13 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.
14 Petitioner may file and serve a response not later than the Monday immediately preceding the
15 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply
16 not later than the Friday designated for consideration of the matter.

17 (4) Filing by Parties, Generally

18 All parties Court are required to file documents electronically via the Court's CM/ECF
19 system. All filings, whether filed electronically or in traditional paper format, must indicate in
20 the upper right hand corner the name of the magistrate judge to whom the document is directed.

21 Any document filed with the Court must be accompanied by proof that it has been served
22 upon all parties that have entered a notice of appearance in the underlying matter.
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1 (5) Motions

2 Any request for court action shall be set forth in a motion, properly filed and served.

3 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
4 part of the motion itself and not in a separate document. The motion shall include in its caption
5 (immediately below the title of the motion) a designation of the date the motion is to be noted for
6 consideration on the Court's motion calendar.

7 (6) Direct Communications with District Judge or Magistrate Judge

8 No direct communication is to take place with the District Judge or Magistrate Judge with
9 regard to this case. All relevant information and papers are to be directed to the Clerk.

10 Dated this 10th day of January, 2017.

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13 David W. Christel
14 United States Magistrate Judge
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